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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/338,221	06/22/1999	ELI PINES	22553/17	1129

26646 7590 07/03/2002

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EXAMINER

GUPTA, ANISH

ART UNIT	PAPER NUMBER
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1653

DATE MAILED: 07/03/2002

12

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	Application No. 09/338,221	Applicant(s) PINES ET AL.	
	Examiner Anish Gupta	Art Unit 1653	

--Th MAILING DATE of this communication appears on th cover sheet with the correspondenc address --

THE REPLY FILED 28 June 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

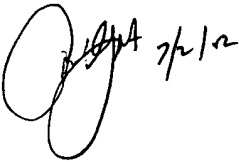
Claim(s) rejected: 1-14, 26 and 35-37.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Continuation of 2. NOTE: the claims have been admended to recite the limitation wherein said recovered fibrinogen polymerizes.... This limitation has not been addressed in the previous office action and would have been addressed in a rejection. A rejection addressing this limitation would constitute a new grounds for rejection. .

Continuation of 5. does NOT place the application in condition for allowance because : of the following reasons:  
For all of the rejections, Applicants argue the reference of Schwarz appears to teach away from the invention since the reference teaches the fibrinogen at a concentration of at least 70 mg/ml, whereas the instant application only requires a concentration of 10mg/ml. Further, the claims have been admended to remove the word "capable" from the claims.  
The response filed 6-28-02 has been fully considered but does overcome the outstanding rejections.  
As indicated in the previous office action, the claim language does not indicate that the concentration of composition is 10mg/ml. The claims infer that the concentration can be at 10mg/ml or less but does not have to be used at this concentration. Moreover, the reference meets all of the structural limitation of the claimed composition. Since the reference teaches a composition with all of the structural limitations, such a composition would necessarily possess the functional limitations and thus at 10 mg/ml the fibrinogen would polymerize.  
All rejections are maintained and no claims are allowed.

Handwritten signature of Christopher S. F. Low, dated 7/2/02.

*Christopher S. F. Low*  
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SUPERVISORY PATENT EXAMINER  
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